



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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December 4, 2023

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al.*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York (the “City”), assigned to represent the City and the Department of Correction (“DOC”) in this matter. Defendants write in light of the applications for the Court to consider amicus curiae filings, submitted to the Court on December 1, 2023, by the New York Civil Liberties Union, New York State Office of the Attorney General, Vital City, Defender Services¹, and the New York City Bar Association. Defendants respectfully request until Wednesday, December 6, 2023, to submit their opposition to the request by these non-parties to file their respective amicus curiae briefs in the Plaintiff-class and United States’ motion to hold the Department of Corrections in contempt and application for appointment of a receiver. Attorneys for New York Civil Liberties Union, New York State Office of the Attorney General, and counsel of record for the multiple Defender Services, S. Lucas Marquez, consent to this request. Defendants were unable to receive a response our request from Vital City and the New York City Bar Association.

Thank you for your consideration of this matter.

¹ The Bronx Defenders, Brooklyn Defender Services, Neighborhood Defender Service of Harlem, New York County Defender Services, and Queens Defenders.

Respectfully submitted,

/s/ John Schemitsch

John Schemitsch

cc: BY ECF
All counsel of record